

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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STANDING ORDER TO CONDUCT MEDIATION  
FOR ALL CIVIL CASES PENDING BEFORE FALCON B. HAWKINS

Mediation is to be scheduled and completed in all cases pending before this Court, including those cases involving unrepresented parties, on or before the date set forth in the Scheduling Order issued in each case. If any reason exists why a party or counsel should not participate in mediation in a case pending before this Court, the Court is to be advised of these reasons **prior to the issuance of the Scheduling Order**. The Court will take the issue under advisement.

The parties should select a mediator consistent with Local Rule 16.05 DSC. A roster of certified mediators is available from the Clerk of Court or may be accessed under the Mediation heading at <http://www.scd.uscourts.gov/cases.htm>. The Clerk of Court is to be advised in writing of the identity of the mediator selected by the parties and the date on which the mediation is scheduled to commence. A Mediation Initiation Form is attached for your use.

Attorneys primarily responsible for handling the trial, parties and insurer representatives with decision-making authority are ordered to be present in person at the mediation and will be excused by the Court only for good cause shown. At the mediation, parties, their insurer representatives and their primary trial counsel should be prepared to participate in a mutual, good faith effort to negotiate a fair and reasonable settlement. All necessary discovery should be completed prior to mediation. Lack of discovery or settlement authority is no excuse for failure to appear and/or participate. See Local Rule 16.08 DSC.

Communications made in connection with or during the mediation are confidential and protected by Federal Rule of Evidence 408 and Federal Rule of Civil Procedure 68. If a settlement is not reached at mediation, settlement discussions are neither admissible at trial nor to be disclosed to the presiding judge. See Local Rule 16.07(C) DSC.

Upon completion of the mediation, counsel shall advise the Court in writing **only** that the mediation has occurred, the date of the mediation, whether the case was settled in whole or in part, and whether a trial is required.

Any questions concerning selection of a mediator or the mediation process generally should be referred to the Court's ADR Program Director, Danny Mullis, at 843-579-1435.

This Standing Order will be mailed to all counsel of record and to all unrepresented parties

with matters pending before this Court prior to the issuance of the Scheduling Order . Counsel are responsible for notifying and ensuring the presence of parties and insurer representatives as described above.

AND IT IS SO ORDERED<sup>1</sup>.

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FALCON B. HAWKINS  
United States District Judge

Charleston, S.C.

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<sup>1</sup>This order does not apply to the following cases: 1) habeas corpus cases; 2) government foreclosure cases; 3) government forfeiture cases; 4) three judge court cases; 5) petitions to quash IRS summons; 6) review of administrative rulings; 7) social security cases; 8) bankruptcy proceedings; 9) Veterans Administration recoveries; 10) cases assigned as Multi-District Litigation pursuant to 28 U.S.C. 1407; 11) condemnation cases; and 12) claims for relief within the admiralty and maritime jurisdiction as set forth in Rule 9(h), Fed.R.Civ. Pro., and Supplemental Rules for Certain Admiralty and Maritime Claims.